REMARKS

Claims 1-10 are pending in the present application. Claims 1, 8, and 9 are independent. No claims have been amended.

Rejection Under 35 U.S.C. § 102

Claims 1, 2, 5, 8, 9, and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Flammer (U.S. Patent No. 5,465,398). Applicants respectfully traverse.

Applicants assert that Flammer fails to disclose adjusting a transmit power of a wireless transmitter in relation to an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link, the number of expected ACKs being N. Instead, Flammer discloses in FIGs. 2 and 3 decreasing a transmitter power level if a difference value is greater than a link margin. The difference value being calculated based on an acknowledgment where packet strength is greater than a recorded minimal signal strength. Flammer does not disclose an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received being used as a basis to decrease the transmitter power level. Therefore, Flammer cannot disclose or suggest adjusting a transmit power of a wireless transmitter in relation to an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link, the number of expected ACKs being N. Flammer does not disclose each and every element of claim 1.

With regard to claims 8 and 9, claims 8 and 9 include similar limitations as independent claim 1 and are allowable for the reasons stated in the traverse of claim 1 above.

With regard to dependent claims 2-5 and 10, claims 2-5 and 10 are allowable at least because they depend from one of independent claims 1 and 9.

Applicants respectfully request the art grounds of rejection be withdrawn.

Claims 1, 8, and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Love et al. (U.S. Patent No. 5,465,398). Applicants respectfully traverse.

With regard to claim 1, Applicants assert that Love et al. fail to disclose adjusting a transmit power of a wireless transmitter in relation to an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link, the number of expected ACKs being N. Instead, Love et al. disclose that if a frame was not received correctly on a reverse link, a BTS will increment a first counter. If the reverse link frame was not received correctly, the BTS will reset the first counter. The BTS then determines whether the forward signal frame was received correctly by the mobile station. If the forward signal frame was not received correctly, the BTS will increment a second counter. If the forward signal frame was received correctly by the mobile station, the BTS will reset the second counter. The first counter indicates how long the feedback information from the mobile station has been unavailable. The second counter indicates how long it has been since the mobile has received a good forward link frame from the BTS (Col. 5, lines 15-21). The sum of the first and second counter is compared with a first threshold. Alternately, one or both counters can be compared to the threshold. Once the first threshold has been exceeded, the BTS will power up the forward link transmissions by a predetermined amount to try to achieve a higher delivery rate of forward link messages.

The BTS then determines if the sum of the first counter and the second counter exceeds a second threshold. The second threshold is larger than the first threshold and it indicates failure to improve the forward link. That is, if the counter sum reaches this value then the forward links being at the maximum gain level alone cannot fix the forward link hence the maximum transmission rate must be also reduced to improve the likelihood of a frame being correctly received. Based on the foregoing, Applicants assert that a first counter and the second counter of Love et al. are not the same as an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received as suggested by the Examiner. Therefore, Love et al. cannot disclose or suggest adjusting a transmit power of a wireless transmitter in relation to an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link, the number of expected ACKs being N. Love et al. does not disclose each and every element of claim 1.

With regard to claims 8 and 9, claims 8 and 9 include similar limitations as independent claim 1 and are allowable for the reasons stated in the traverse of claim 1 above.

Applicants respectfully request the art grounds of rejection be withdrawn.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have not put claims 6 and 7 into independent form because they depend from claim 1, which Applicants believe has been shown to be allowable.

CONCLUSION

In view of the foregoing, Applicants submit that claims 1-10 are patentable over the relied upon references, and that the application as a whole is in condition for allowance. Early and favorable notice to that effect is respectfully solicited.

In the event that any outstanding matters remain pending in this application, Applicants request that the Examiner contact the undersigned to discuss such matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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